



**Little River Band of Ottawa Indians**  
PO Box 314  
Manistee MI 49660-0314

**LITTLE RIVER BAND OF OTTAWA INDIANS**  
**TRIBAL COUNCIL MEETING**  
Sunday, February 21, 1999, Noon  
**MINUTES**

**I. PRAYER - William A. Willis, TRIBAL COUNCIL SPEAKER**

**II. GENERAL BUSINESS**

- A. CALL TO ORDER - William A. Willis, SPEAKER - TIME: 12:15**  
**B. ROLL CALL - Charles Fisher, RECORDER**

Associated with the roll call, it should be noted that C. Bennett, K. Berentsen, C. Fisher, L. McCatty, E. Porter, J. Spalding, C. Waitner and W. Willis were present. D. Koon was absent. It should also be noted that Don called just prior to the beginning of this Tribal Council meeting to indicate that he did not feel up to the meeting. It should perhaps be noted that Chuck Fisher was late by for the meeting by approximately 15 minutes and that Kathy Berentsen was approximately one hour late.

**CONSENT AGENDA**

Although a number of items were included on the Roll Call Record Recording Form as "Consent Agenda" items, these issues were handled individually. The following items were addressed in the order of their presentation below. Separate roll call votes were recorded for each area of the agenda.

**C. ADOPTION OF MINUTES:** It was noted that the minutes of the regular December Tribal Council meeting minutes for 12/13/98 were not available for review. As a result, this item was tabled. These minutes will be included in the next Tribal Council packet.

**D. COMMITTEE MEETING MINUTES:** Committee reports were reviewed and accepted by a vote of 8 in favor, 1 absent, 0 opposed, 0 abstentions.

**E. FINANCIAL REPORT:** Brief financial report presentation by C. Holz. Financial Report was accepted by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**F. STAFF REPORTS:** It was noted that not all staff reports were available. In discussion, it was further noted that this may be due to the fact that Directors are receiving these reports and may or may not include them with their reports. Staff reports that were available in the packet were accepted by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**G. TRIBAL MANAGER'S REPORT:** It was noted that the Tribal Manager was not present at the Tribal Council meeting. Written report was accepted by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**H. ATTORNEY REPORT:** Written and oral report were accepted by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**I. COMMUNITY COMMENT:** The floor was opened to the Community. There were three discussion items, which were as follows. (1) Election was touched on and there was a call for everyone to remember that we are all family. (2) There was a clarification of an incident that occurred at a recent powwow. (3) Judge Bailey spoke briefly

*For Fisher*



indicating that, in spite of the ongoing election, Bob Guenthardt should be attending meetings, including Tribal Council meetings.

**J. INTRODUCTION OF GUESTS:** Notes do not reflect that any guests introduced themselves in this portion of the meeting.

### III. OLD BUSINESS

**A. AMENDMENT TO GUIDELINES FOR IDENTIFICATION OF CULTURAL ITEMS TO INCORPORATE OBJECT LIST PER NAGPRA GRANT.** In response to comments from the National Parks Service, an "Object list" of cultural items was developed and included in guidelines recently adopted.

**RESULTS:** After discussion, motion was made to proceed with including object lists as proposed. Motion was seconded and supported by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**B. SMOKING COMMITTEE RECOMMENDATIONS.** Issue of smoking in the Community Center was raised on a number of occasions. Committee was formed to make recommendations to settle the matter.

**RESULTS:** Spokesman for the committee put forward the recommendations of the committee that was formed to address this issue. This agenda item was discussed at some length. In the end, a motion was made to support the recommendations of the committee which were to limit smoking in the Little River Community Center to a designated smoking area (at the rear of the building). It was also decided that the card players who utilize the Community Center in the early morning hours would be allowed to continue smoking until 8:00 a.m. B. Brooks will check with funding agency (FIA) regarding clarification of grant requirements insofar as smoking is concerned. Voting results were 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**C. POW WOW UPDATE AND DISCUSSION.** Tribal Council requests a brief progress report on the status of 1999 POW WOW planning activities. Update on 1998 POW WOW.

**RESULTS:** It was noted that the only committee representative present at the Tribal Council meeting was the staff liaison. Letter from Saginaw Chippewa's was shared which indicated that the \$5,000.00 powwow support from them was not forthcoming. There was a brief update as to the status of the planning for this year's powwow which will be held on the Tribe's 85 acre parcel, which is located across from the gaming property. It should be noted that this was an informational item and did not require voting.

### IV. NEW BUSINESS

**A. NATURAL RESOURCES TO PURCHASE SNOWMOBILE.** Natural Resources will use it for doing Bear Den checks, fur bearer and small game track surveys, winter deer and turkey surveys and also for patrol, winter fish creel surveys and assessments.

**RESULTS:** This item was discussed as was the possible need for a review of policies and procedures that bring purchases to the Tribal Council even though they were approved as a line item in the budget approved by the Tribal Council. Motion to proceed with purchase was approved by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**B. AUTHORIZE PROCEEDING WITH REQUEST TO ENVIRONMENTAL PROTECTION AGENCY FOR CERTIFICATION OF SECTION 106 FUNDS.** Tribe is required to satisfy certain criteria (governing body powers, area of jurisdiction,



administrative capability) to plan and carry out programs to manage and protect water resources on the Tribe's Reservation. Natural Resources would be seeking certification to carry out certain water resource programs on the Manistee Reservation and 1855 Reservation. Certified tribes (certified) will receive \$60,000.00 plus additional funds allocated based on reservation population, acreage and water area. It is estimated that \$2M will be available for distribution in the Great Lakes region.

**RESULTS:** Approval of above based on supported motion to proceed with above certification, including access of funds by Little River Band of Ottawa Indians as a certified tribe. Vote was 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**C. RESOLUTION OF SUPPORT REQUESTED FOR SUBMISSION OF TRIBAL MANAGEMENT GRANT TO INDIAN HEALTH SERVICE FOR THE ACCREDITATION OF THE LITTLE RIVER BAND OF OTTAWA INDIANS TRIBAL HEALTH CLINIC.**

Grant needs tribal Council Resolution to accompany grant proposal. Have begun the rewriting of previous year's proposal that was for x3 years to set-up, develop and accredit the clinic. Proposal will be written to fund the process of the clinic's accreditation over one year. Management Development Grants are limited to \$100,000.00.

**RESULTS:** Partially because of all the related paperwork outlining information related to the application was not in the Council's packet, there was considerable discussion related to application details. The discussion culminated in a motion to table the matter related to the Tribal Council's resolution of support to proceed with the submission of a grant application (Tribal Management Grant) to Indian Health Services to fund the accreditation process for the Little River Health Center. The motion to table the matter was defeated by a vote of 3 in favor, 5 opposed, 1 absent, 0 abstentions. After further discussion, a subsequent motion was made to support this application at this time. The requested resolution of support was passed by a vote of 7 in favor, 1 opposed, 1 absent, 0 abstentions. In terms of follow-up, it is clear that the grant process will require review by the Tribal Council with respect to the information desired as related to grant applications in the future.

**D. RESOLUTION OF SUPPORT FROM THE TRIBAL COUNCIL IS REQUIRED FOR THE SUBMISSION OF LANGUAGE GRANT TO THE ADMINISTRATION FOR NATIVE AMERICANS.**

Grant application is due 2/19/99 and needs tribal resolution to accompany grant proposal. Grant will provide funding up to \$50,000 for the development of a plan to preserve our language. This has been demonstrated to be a priority of tribal members. The writing of this grant is not a major problem as a grant for the same program was written last year. That proposal was not funded but it gives us something to work from for the project to be proposed this year.

**RESULTS:** Details related to this submission were presented orally and Council Resolution was adopted by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions. It was also agreed that the process of communicating grant related information to the Tribal Council would be reviewed and that recommendations regarding this matter would follow.

**E. APPOINTMENT - BUSINESS BOARD REPRESENTATIVES FOR TRIBAL GAMING ENTERPRISE.** The Management Agreement between North American Gaming and the Tribe provides for the establishment of a Business Board, which is comprised of 2 representatives from the tribe and 2 from NAG. The Business Board will work with the Manager to develop things such as the Personnel Policies, development of operating budgets, etc. Council Members - Connie Waitner and Carol Bennett has expressed interest in being considered for these positions.



**RESULTS:** This agenda item was discussed at some length. It was suggested that these positions be opened to the membership. Because this would take some time to accomplish and because there may be matters that need to be addressed before this process could be completed, it was decided that both Connie Waitner and Carol Bennett would be appointed on an interim basis. This was done by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**F. DISPOSITION OF THE EAST LAKE PROPERTY.** The Planning and Development Department proposes to refinance the East Lake property. Since there are many issues related to proceeding, it is advised to discuss options and obligations prior to submitting a proposal to refinance.

**RESULTS:** For this Council meeting, this agenda item was for information only, therefore, no action on the part of the Tribal Council was required. More details related to this matter will be addressed at the next regular Tribal Council meeting, i.e., when a more complete presentation, including business plan details (such as unit costs and projections), will be made with respect to utilizing the East Lake property for the construction of modular homes.

**G. MANISTEE ECONOMIC COUNCIL AND CHAMBER ALLIANCE.** It is suggested that the Tribe join MECCA as a government. This would add a voting member to the body as well as provide another representative. This organization is responsible for attracting and supporting businesses in Manistee County.

**RESULTS:** In the discussion, it was apparent that the Tribe would benefit from joining MECCA (as a government). As a result of this discussion, the move to join MECCA was approved by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**H. SANITARY AND HEALTH PERMIT REGULATIONS.** For the health and safety of the membership and all guests of the reservations in Manistee and Mason Counties, as well as administration of programs, it is suggested by the Planning and Development Department to adopt regulatory standards and enter into an agreement to monitor the safety of equipment servicing members and guests of the reservation.

**RESULTS:** The Tribal Council concurred with the recommendation from the Planning and Development Department, i.e., that the Tribe should enter into appropriate agreements to protect and serve both tribal members and visitors on reservation lands. This was approved by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**I. CONSIDERATION FOR REVISED "WAGE GRID" FOR INCORPORATION INTO PERSONNEL POLICY MANUAL.** Management Team recently met to review and revise job descriptions to better represent actual individual functions of employees, including wages associated with particular positions. The Management Team is recommending changes to the wage grid to better reflect prevailing wages for similar positions.

**RESULTS:** Changes to the "wage grid" were reviewed and adopted by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions. These changes will also be made to the personnel policy manual. The Policy and Procedure Manual for the Little River Band of Ottawa Indians can be consulted for associated details.

**J. AUTHORIZE DISPURSEMENT OF PER CAP FUNDS TO MINORS REACHING THE AGE OF 18 DURING THE MONTH OF JANUARY.** 80/20 plan and Ordinance 98-200-04 requires Council approval of disbursement of funds held in trust for minors.

**RESULTS:** This authorization was approved by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions. Because of the routing nature of this Tribal Council agenda item, there was some discussion as to how this should regularly be handled. It was decided that this agenda item would be handled in the "old business" portion of each month's regular tribal



council meeting agenda. In this way, it would move this to the beginning of the meeting, thereby alleviating the necessity of staff member having to regularly spend hours at the meeting waiting for this item to come up on the agenda.

**K. RESOLUTION AUTHORIZING ACCESS OF INDIAN HEALTH SERVICE FUNDS (WELL AND SEPTIC PROGRAM - FY 99, NEW HOMES).** Resolution needed to access funding for Indian Health Services Well and Septic Program for new homes in FY 99.

**RESULTS:** Requested Resolution was approved by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions. This was Resolution 0221-99-0?.

**L. RESOLUTION AUTHORIZING ACCESS OF INDIAN HEALTH SERVICE FUNDS (WELL AND SEPTIC PROGRAM - FY 99, EXISTING HOMES).** Resolution needed to access funding for Well and Septic Program through Indian Health Service for existing homes, FY 99.

**RESULTS:** Requested Resolution was approved by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions. This was Resolution 0221-99-0?.

**M. APPROVAL OF VOUCHER FOR FEES AND EXPENSES FOR CALCUTT, CUNNINGHAM ET. AL. FOR THE PERIOD OCTOBER 1998 THROUGH DECEMBER 1998.** Detail of fees and expenses included in Council packet. Work related to negotiation of Personal Service Contracts with clinic operations program budget for this particular work. Federal regulations require Council approval of Special Counsel fee/expense vouchers.

**N. RESULTS:** Associated expenditures as itemized were reviewed by Tribal Attorney and found to be appropriate. Approval of voucher for fees and expenses for Calcutt, Cunningham et. al. (for the period October 1998 through December 1998) was given by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**O. APPOINTMENT OF MEMBER TO THE LAND ACQUISITION/USE COMMITTEE.** Committee wishes to recommend Dan Flater for appointment to the committee to fill current vacancy.

**RESULTS:** Consistent with recommendations of Land Acquisition and Use Committee, Dan Flater was appointed to this committee. The voting results are as follows: 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**P. APPROVAL OF VOUCHER FOR FEES AND EXPENSES FOR ZIONTZ, CHESTNUT, ET. AL. FOR THE PERIOD OCTOBER 1998 THROUGH DECEMBER 1998.** Detail of fees and expenses is attached. Work related to litigation planning for U.S. v. Michigan. Tribe will be receiving funds from the BIA covering most of these fees from a separate request that was funded.

**RESULTS:** The above-related voucher reviewed and approved by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**Q. SPRING MEMBERSHIP MEETING DATE, LOCATION.** Discussion was held at the Council Retreat regarding the need to set the date of the Spring Membership Meeting.

**RESULTS:** After discussion, the date of 4/24/99 was decided on for the Spring Membership meeting. This is a Saturday as opposed to our usual Sunday membership meeting day. Meeting will be held at Stronach Hall. Appropriate announcement will be given in the next newsletter.

**R. SCHEDULE FOR AGENDA REQUESTS FOR TRIBAL COUNCIL MEETINGS, 1999.** Adoption of schedule for submission of agenda requests for regular Tribal Council meetings for FY 99.



**RESULTS:** A schedule of deadlines for Tribal Council agenda requests for regular Council meetings was developed and presented for approval. This did meet with approval by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**S. APPROVAL OF DESIGN DOCUMENTS - REFLECTIVE CEILING, FLOOR PLAN AND ELEVATION OF MAIN CASINO.** Items were agreed to previously by consensus but require formal approval.

**RESULTS:** Tribal Council approval was granted for various elements of the overall plan for the main Little River Casino and Resort. Specifically, the floor plan, elevations and the reflective ceiling were the main casino planning components that were approved by a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**V. CONCLUDING BUSINESS**

**A. PUBLIC COMMENT** – There was no public comment at this point in time.

**B. NEXT MEETING DATE(s):** WORK SESSION February 24, 1999, 5:00  
REGULAR SESSION March 14, 1999 - Noon

**C. ADJOURNMENT OF OPEN SESSION.** The regular open session portion of the Tribal Council meeting adjourned to closed session after motion, support and a vote of 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**VI. CLOSED SESSION**

**A. CONSIDERATION FOR ENTERING INTO TOBACCO LITIGATION.**

**B. REVIEW OF BACKGROUND CHECKS FOR PROPOSED GAMING COMMISSIONERS.**

**C. NEED FOR COUNCIL DECISION ON INTERIM STATUS OF TRIBAL MANAGER POSITION.**

**D. UPDATE ON COMPACT LITIGATION.**

**VII. ADJOURNMENT OF CLOSED SESSION.** The closed session adjourned after the discussions above: 8 were in favor, 0 opposed, 1 absent, 0 abstentions.

**VIII. MOTION TO GO INTO OPEN SESSION**

**A. APPOINTMENT OF TWO GAMING COMMISSIONERS.** Although this was on the agenda, by the time this matter was resolved, the commissioners who were waiting had left. It was decided that W. Willis would swear in the appointed commissions at the next regular Gaming Commission meeting.

**IX. ADJOURNMENT**

The Tribal Council meeting on February 13<sup>th</sup>, 1999 adjourned at approximately 7:45 p.m. Voting record related to this motion was 8 in favor, 0 opposed, 1 absent, 0 abstentions.

**ADDITIONAL NOTE:** Minutes respectfully submitted by C. Fisher, Tribal Council Recorder. Please also see separate report entitled "Things indicated to require action in the Tribal Council Meeting, 2/21/99.